



General Assembly

Substitute Bill No. 1048

January Session, 2007

* ____SB01048JUD__043007__ *

**AN ACT CONCERNING THE INVESTIGATION OF A DISCRIMINATION
COMPLAINT AGAINST OR BY AN AGENCY HEAD OR STATE
COMMISSION OR BOARD MEMBER.**

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Subsection (b) of section 46a-68 of the general statutes is
2 repealed and the following is substituted in lieu thereof (*Effective from*
3 *passage*):

4 (b) (1) Each state agency, department, board or commission shall
5 designate a full-time or part-time affirmative action officer. If such
6 affirmative action officer is an employee of the agency, department,
7 board or commission, the executive head of the agency, department,
8 board or commission shall be directly responsible for the supervision
9 of the officer.

10 (2) The Commission on Human Rights and Opportunities shall
11 provide training and technical assistance to affirmative action officers
12 in plan development and implementation.

13 (3) The Commission on Human Rights and Opportunities and the
14 Permanent Commission on the Status of Women shall provide training
15 concerning state and federal discrimination laws and techniques for
16 conducting [internal] investigations of discrimination complaints to
17 persons designated by state agencies, departments, boards or

18 commissions as affirmative action officers and persons designated by
19 the Attorney General or the Attorney General's designee to represent
20 such agencies, departments, boards [departments] or commissions
21 pursuant to subdivision [(5)] (6) of this subsection. Such training shall
22 be provided for a minimum of ten hours during the first year of service
23 or designation, and a minimum of five hours per year thereafter.

24 (4) (A) Each person designated by a state agency, department, board
25 or commission as an affirmative action officer shall [(A)] upon
26 knowledge or receipt of a discrimination complaint against the agency,
27 department, board or commission (i) be responsible for investigating
28 such discrimination complaint to determine whether any agency
29 policies have been violated and for mitigating any discriminatory
30 conduct within the agency, department, board or commission [(B)
31 investigate all complaints of discrimination made against the state
32 agency, department, board or commission, (C)] that is found to be in
33 violation of such agency policies, and (ii) report all findings and
34 recommendations upon the conclusion of [an] the investigation to the
35 commissioner or director of the state agency, department, board or
36 commission for proper action. [and (D) complete ten hours of training
37 provided by the Commission on Human Rights and Opportunities and
38 the Permanent Commission on the Status of Women pursuant to
39 subdivision (3) of this subsection.]

40 (B) Notwithstanding the provisions of subparagraphs (A)(i) and
41 (A)(ii) of this subdivision, if a discrimination complaint is made
42 against the executive head of a state agency or department, any
43 member of a state board or commission or any affirmative action
44 officer alleging that the executive head, member or officer engaged in
45 discriminatory conduct, or if a complaint of discrimination is made by
46 the executive head of a state agency, any member of a state board or
47 commission or any affirmative action officer, the Department of
48 Administrative Services shall conduct the investigation of such
49 complaint, unless the complaint is by or against the commissioner or
50 affirmative action officer of the Department of Administrative Services,
51 in which case the Commission on Human Rights and Opportunities

52 shall conduct the investigation. Each person who conducts an
53 investigation pursuant to this subparagraph shall report all findings
54 and recommendations upon the conclusion of such investigation to the
55 appointing authority of the individual who was the subject of the
56 complaint for proper action. The provisions of this subparagraph shall
57 apply to any such complaint pending on or after the effective date of
58 this section.

59 [(5) No person designated by a state agency, department, board or
60 commission as an affirmative action officer shall represent such
61 agency, department, board or commission before the Commission on
62 Human Rights and Opportunities or the Equal Employment
63 Opportunity Commission. If a complaint of discrimination is filed with
64 the Commission on Human Rights and Opportunities or the Equal
65 Employment Opportunity Commission against a state agency,
66 department, board or commission, the Attorney General, or a designee
67 of the Attorney General, other than the affirmative action officer for
68 such agency, board, department or commission, shall represent the
69 state agency, board, department or commission before the Commission
70 on Human Rights and Opportunities or the Equal Employment
71 Opportunity Commission.]

72 (5) Each person designated by a state agency, department, board or
73 commission as an affirmative action officer shall complete training
74 provided by the Commission on Human Rights and Opportunities and
75 the Permanent Commission on the Status of Women pursuant to
76 subdivision (3) of this subsection.

77 (6) No person designated by a state agency, department, board or
78 commission as an affirmative action officer shall represent such
79 agency, department, board or commission before the Commission on
80 Human Rights and Opportunities or the Equal Employment
81 Opportunity Commission concerning a discrimination complaint. If a
82 discrimination complaint is filed with the Commission on Human
83 Rights and Opportunities or the Equal Employment Opportunity
84 Commission against a state agency, department, board or commission,

85 the Attorney General, or a designee of the Attorney General, other
 86 than the affirmative action officer for such agency, department board
 87 or commission, shall represent the state agency, department, board or
 88 commission before the Commission on Human Rights and
 89 Opportunities or the Equal Employment Opportunity Commission.
 90 The Attorney General, or the designee of the Attorney General, shall
 91 provide a copy of any complaint filed with the Commission on Human
 92 Rights and Opportunities or the Equal Employment Opportunity
 93 Commission to the affirmative action officer, who shall conduct an
 94 investigation pursuant to subdivision (4) of this subsection.

This act shall take effect as follows and shall amend the following sections:

Section 1	<i>from passage</i>	46a-68(b)
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LAB *Joint Favorable Subst. C/R* GAE
GAE *Joint Favorable*
JUD *Joint Favorable*